

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CAYTRANS BBC, LLC and DAN GULF
SHIPPING, INC.
Plaintiffs

V.

PRIME MARITIME AGENCY, INC.
Defendant

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CIVIL ACTION NO.

ADMIRALTY

Pursuant to Rule 9(h) of the
Federal Rules of Civil Procedure

COMPLAINT

The plaintiffs, Caytrans BBC, LLC (“Caytrans BBC”), and Dan Gulf Shipping, Inc., (“Dan Gulf”) submit the following Complaint.

JURISDICTION

I.

This is an admiralty and maritime law claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. This Court has jurisdiction pursuant to 28 U.S.C. §1333 as well as 28 U.S.C. §1331.

PARTIES

II.

The plaintiff, Caytrans BBC, was and is now a limited liability company organized under the laws of the State of Louisiana with its principal place of business in the State of Louisiana and who is engaged in the business of chartering vessels for the commercial carriage of goods for hire.

III.

The plaintiff, Dan Gulf, was and is now a corporation organized under the laws of the State of Louisiana with its principal place of business in the State of Louisiana and who is engaged in the business of providing services to and acting as agents for owners operators and charterers of vessels engaged in the commercial carriage of goods for hire.

IV.

Upon information and belief, the defendant, Prime Maritime Agency, Inc. (“Prime Maritime”), is a corporation organized under the laws of the State of Texas with its principal place of business, domicile address and registered office at 16710 Hedgcroft, Suite 102, Houston, Texas, 77060, and who was engaged in the business providing services to and acting as agents for owners, operators, and charterers of vessels engaged in the commercial carriage of goods for hire, and specifically provided such services to and/or on behalf of the plaintiffs.

CAUSES OF ACTION

V.

This is a complaint, *in personam*, for breach of a maritime contract of agency, breach of fiduciary duty, and failure to pay funds forwarded by the plaintiffs to the defendant to that were allegedly due and owing to third party vendors, ports, pilots and other necessities suppliers that provided services to vessels for which the plaintiffs chartered or provided agency services to.

FACTUAL ALLEGATIONS

VI.

From approximately 2001 through 2010, the defendant was retained by the plaintiffs to provide agency services to vessels that would call at the ports of Houston and to other ports in the Gulf South.

VII.

Upon information and belief, the defendant entered into several agreements with various pilots, ports, including the Port of Houston, port vendors and other necessary suppliers for vessels that were chartered by Caytrans BBC and/or were principals of Dan Gulf.

VIII.

These services were provided for the benefit of vessels that were chartered by Caytrans BBC and/or for which Dan Gulf provided agency services.

IX.

When invoices became due, Caytrans BBC promptly paid the defendant, who was to, in turn, pay the necessities suppliers. The defendant failed to do so.

X.

As a result of the defendant's failure to pay the third party necessities suppliers mentioned above, the plaintiffs have received demands and claims from these third party necessities providers because the defendant never paid them funds that were due.

XI.

Accordingly, the plaintiff has paid for these services twice -- once to the defendant and once to the third party necessities suppliers.

XII.

This has caused the plaintiffs to incur substantial damages and/or claims for necessities providers in excess of \$75,000.00, as well as loss of business reputation and other losses that will be proven at trial.

XIII.

WHEREFORE, plaintiffs, Caytrans BBC, LLC and Dan Gulf Shipping, Inc., pray that after due proceedings are had there be judgment in favor of the plaintiffs and against Prime Maritime Agency, Inc., in the amount of \$75,000.00 as well as other expenses and charges that may accrue, together with interest, costs, and attorney's fees, for breach of the fiduciary duty and such other general, equitable and further relief against the defendants as the justice of the cause may require.

Respectfully submitted,

/s/ James T. Bailey

James T. Bailey

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